

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 13788US02)

In the Application of:) Electronically Filed on February 13, 2008
Kan Frankie Fan,) (FWW)
Serial No. 10/644,205)
Filed: August 20, 2003)
For: : METHOD AND SYSTEM FOR)
TCP/IP USING GENERIC)
BUFFERS FOR NON-POSTING)
TCP APPLICATIONS)
Examiner: Luu, Le Hien)
Group Art Unit: 2141)
Confirmation No. 5467)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on November 14, 2007 (hereinafter, the Final Office Action) with a period of reply through February 14, 2008. The Applicant also requests review of the arguments stated on page 2 of the Advisory Office Action mailed on January 29, 2008 (hereinafter, the Advisory Office Action). No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

REMARKS

The present application includes pending claims 1-34. Claims 1-5, 7-15, 17-25 and 27-31 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Pettey, U.S. Publication No. 2003/0014544A1 (hereinafter, Pettey). Claims 5, 16 and 26 have been cancelled and replaced with new claims 32-34 which have been allowed. The Applicant respectfully submits that claims 1-34 define patentable subject matter. The Applicant also respectfully traverses these rejections at least for the following reasons:

I. Examiner's Response to Arguments

The Examiner states the following in the Final Office Action:

Pettey teaches generic buffer (message buffer 533) and transferring incoming data for a TCP connection to said at least one posted generic buffer (the message buffer 533 receives incoming TCP/IP transaction data which includes TCP/IP connections. Pettey, Fig 5; page 10, paragraphs [0088 - 0091].)

See the Final Office Action at page 4. The Applicant points out that Pettey is silent as to the timing of the transfer of any incoming data to a generic buffer that is external to a host adapter. Namely, Pettey, including ¶¶ 0088-0091, does not disclose or suggest that transferring of incoming data for a TCP connection is performed prior to the posting of a TCP application posted buffer for the TCP connection. In fact, Pettey is silent and does not disclose any details with regard to the timing of the posting of TCP application posted buffers.

The Examiner also states the following in page 2 of the Advisory Office Action:

In addition, office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim.

The Applicant is wondering why the Examiner is using the above template language as the Applicant's argument in the January 14, 2008 response to the Final Office Action is not based on any limitation "appearing in the specification but not recited in the claims." On the contrary, the Applicant has argued with regard to a specific claim limitation appearing in Applicant's claim 1. Furthermore, the Applicant would like to point out that the Examiner has not addressed in substance the Applicant's arguments stated in the January 14, 2008 response.

II. Rejection of Claims 1-5, 7-15, 17-25 and 27-31 under 35 U.S.C. § 102(e)

The Applicant now turns to the rejection of claims 1, 11 and 21, which stand rejected under 35 U.S.C. § 102(e) as being anticipated by Pettey. With regard to an anticipation rejection, MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted). Without conceding that Pettey qualifies as prior art under 35 U.S.C. 102(e), the Applicant respectfully traverses this rejection as follows.

A. Pettey Does Not Anticipate the Limitations of Claims 1-5, 7-15, 17-25 and 27-31

The Applicant turns to the rejection of claims 1-5, 7-15, 17-25 and 27-31 under 35 U.S.C. § 102(e) as being anticipated by Pettey (U.S. Pub No. 2003/0014544A1).

A(1). Arguments To Rejections Of Claims 1, 11 and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Pettey does not teach or disclose at least the limitation of "transferring incoming data for a TCP connection to said at least one posted generic buffer **prior to the non-posting TCP application posting a TCP application posted buffer for said incoming data**," as recited by the Applicant in the independent claim 1 (emphasis added).

With respect to independent claim 1, the Examiner states the following in the Final Office Action (page 3):

"Pettey teaches the invention as claimed, including a method for posting buffers for a non-posting TCP application, the method comprising: posting at least one generic buffer located in a memory external to a host adapter (Fig 5; page 10, paragraphs [0088 - 0089]); and transferring incoming data for a TCP connection to said at least one posted generic buffer prior to the non-posting TCP application posting a TCP application posted buffer for said incoming data (page 10, paragraphs [0090 - 0091])." (See the Office Action at page 5).

The Applicant points out that Pettey discloses efficient TCP/IP transaction from the HCA 502 to the MSG buffers 533 through the DMA logic 504. For example, Pettey states:

"If acceleration of the connection is granted by the target adapter, then the target adapter sends a remote direct memory access (RDMA) read command to the HCA 502 designating the memory addresses of the applicable message buffers 533. Accordingly, the DMA logic 504 reads the message data from the applicable message buffers 533 and provides the data to the TCP-aware target adapter in an RDMA response, thus bypassing the server TCP/IP/MAC processing that is required to deliver the message data to the designated client over a native client LAN." (See Pettey ¶[0093])

The Applicant points out that Pettey's teaching of using RDMA bypassing of the server TCP/IP/MAC processing further substantiates that there is no teaching of "transferring incoming data for a TCP connection to said at least one posted generic buffer". Furthermore, the Applicant points out that Pettey is silent as to the timing of the transfer of any incoming data to a generic buffer that is external to a host adapter. Namely, Pettey, including ¶¶ 0088-0091, does not disclose or suggest that transferring of incoming data for a TCP connection is performed "prior to the non-posting TCP application posting a TCP application posted buffer for said incoming data." In fact, Pettey is silent and does not disclose any details with regard to the timing of the posting of TCP application posted buffers.

Furthermore, the Applicant submits that Pettey does not disclose or suggest "posting at least one generic buffer located in a memory external to a host adapter; and transferring incoming data for a TCP connection to said at least one posted generic buffer prior to the non-posting TCP application posting a TCP application posted buffer for said incoming data," as recited in claim 1 by the Applicant (emphasis added). In other words, two buffers are being used by the Applicant.

The Examiner is referred to the following citations of Petty:

"The system memory 530 also includes one or more application programs 531, each of which are coupled to corresponding message buffers 533. The message buffers 533 contain data to be transmitted via TCP/IP transactions or they designate memory locations 533 into which TCP/IP transaction data is to be received" (See Pettey at page 10, ¶¶0090)]

"the TCP-aware target adapter that supplies all of the negotiated TCP/IP connection parameters along with memory addresses of applicable message buffers 533. Accordingly, the DMA logic 504 reads the message data from the applicable message buffers 533 and provides the data to the TCP-aware target adapter in an RDMA response, thus bypassing the server's TCP/IP stack." (See Pettey at page 10, ¶¶0093)]

The Examiner seems to equate Pettey's MSG buffer 533 to read on "posting at least one generic buffer located in a memory external to a host adapter," as recited in claim 1 by the Applicant. The Applicant points out that Pettey in the citations clearly discloses that the same MSG buffer 533 that couples to the application programs 531 is also for storing the message data from the DMA logic 504 received from the TCP-aware target adapter. Therefore, the Applicant maintains that if the MSG buffer 533 is used for "posting the at least one generic buffer", then Pettey does not disclose a second buffer, namely "posting a TCP application posted buffer," as recited in claim 1 by the Applicant.

Therefore, the Applicant maintains that Pettey does not disclose or suggest posting both buffers, namely **"posting at least one generic buffer**

located in a memory external to a host adapter; ... **posting a TCP application posted buffer** for said incoming data," as recited in claim 1 by the Applicant.

Accordingly, based on the foregoing arguments, independent claim 1 is not anticipated by Pettey and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

Furthermore, The Applicant reserves the right to argue additional reasons beyond those set forth herein to support the allowability of claims 1, 11, and 21.

B. Dependent Claims 2-5, 7-10, 12-15, 17-25, and 27-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(e) as being anticipated by Pettey has been overcome and request that the rejection be withdrawn. Additionally, claims 2-5, 7-10, 12-15, 17-25, and 27-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-5, 7-10, 12-15, 17-25, and 27-31.

III. Conclusion

Based on at least the foregoing, the Applicant believes that all pending claims 1-5, 7-15, 17-25, and 27-34 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8093.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: February 13, 2008

By: / Ognyan I. Beremski /
Ognyan Beremski, Reg. No. 51,458
Attorney for Applicant

MCANDREWS, HELD & MALLOY, LTD.
500 WEST MADISON STREET, 34TH FLOOR
CHICAGO, ILLINOIS 60661
(312) 775-8093 (FAX)